

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

LTF REAL ESTATE COMPANY, INC., SP 2011-HM-056 Appl. under Sect(s). 5-403 and 5-303 of the Zoning Ordinance to permit a health club. Located at Terminus of Business Center Dr. on approx. 11.09 of land zoned I-3 and I-4. Hunter Mill District. Tax Map 18-3 ((8)) 6 A3. (Admin. Moved from 9/21/11 and 11/16/11 at appl. req.) Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on December 7, 2011; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The Board has a favorable staff recommendation in the staff report, and staff's rationale is adopted.
3. The potential disagreement about the development conditions, and particularly the escrow, has been resolved.
4. It is expected that the Board will see more of this sort of thing with special permits requiring new construction consistent with some of the changes from a few years ago to the policy plan for implementation of green building practices. There are a lot of reasons why the County and the industry is going to that either on developments/applications that require approvals or by right under certain circumstances. This particular escrow is consistent with what has been done. There have been more special exceptions for drive-through banks and drive-through drugstores and things like that, but more of this will be seen. An escrow is really at this point the most effective way the County has to ensure that the standards are met.
5. This will be a very attractive facility based on the materials that the Board has seen.
6. Lifetime Fitness has also put in a couple other facilities locally, one at Trinity Center, which is very attractive, and based on the material the Board has been given, this will be consistent with that.
7. It makes sense to put it here. There is a lot going for it.
8. There will not be any significant negative impact on anyone.
9. There was no opposition to it.
10. The applicable standards have been met.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, LTF Real Estate Company Inc., DBA Life Time Fitness, only and is not transferable without further action of this Board, and is for the location indicated on the application, at the terminus of Business Center Drive, Reston, VA, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by William H. Gordon Associates, Inc., dated May 2, 2011 as revised through November 23, 2011, approved with this application, as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The maximum occupancy is limited to 1,656 customers and 45 employees on-site at any one time.
6. Parking shall be provided in accordance with Article 11 of the Fairfax County Zoning Ordinance. If required by DPWES, a parking tabulation shall be submitted to and approved by the Director which shows that the required parking for all uses can be provided for on Lot 6A3 as shown on the special permit plat. All parking for this use shall be on site.
7. Prior to approval of the site plan for the building, the applicant will execute a separate agreement and post a "green building escrow" in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$230,000. This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that the building has attained LEED certification will be sufficient to satisfy this commitment. If the Applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within fifteen (15) months of the issuance of the final non-RUP for the building, the escrow will be released to Fairfax County and will be posted to a fund within the County budget supporting implementation of County environmental initiatives.

If the applicant provides to the Environment and Development Review Branch of DPZ, within fifteen (15) months of the issuance of the final non-RUP for the building, documentation demonstrating that LEED certification for the building has not been attained but that the building has been determined by the U.S. Green Building Council to fall within three points of

attainment of LEED certification, 50% of the escrow will be released to the Applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the County budget supporting implementation of County environmental initiatives.

If the applicant fails to provide, within fifteen (15) months of the issuance of the final non-RUP for the building, documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification or demonstrating that the building has fallen short of certification by three points or less, the entirety of the escrow for the building will be released to Fairfax County and will be posted to a fund within the County budget supporting implementation of County environmental initiatives.

If the applicant provides documentation from the USGBC demonstrating, to the satisfaction of the Environment and Development Review Branch of DPZ, that USGBC completion of the review of the LEED certification application has been delayed through no fault of the Applicant, the Applicant's contractors or subcontractors, the time frame may be extended as determined appropriate by the Zoning Administrator, and no release of escrowed funds shall be made to the Applicant or to the County during the extension.

The applicant will include, as part of the site plan submission, a statement certifying that a LEED®-accredited professional who is also a professional engineer or licensed architect is a member of the design team, and that the LEED-accredited professional is working with the team to incorporate sustainable design elements and innovative technologies into the project with a goal of having the project attain LEED certification.

The Applicant will include, as part of the site plan submission and building plan submission, a list of specific credits within the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system, or other LEED rating system determined to be applicable to the building by the U.S. Green Building Council, that the Applicant anticipates attaining. A professional engineer or licensed architect will provide certification statements at both the time of site plan/subdivision plan review and the time of building plan review confirming that the items on the list will meet at least the minimum number of credits necessary to attain certification of the project.

Prior to site plan approval, the Applicant will designate the Chief of the Environment and Development Review Branch of the Department of Planning and Zoning as a team member in the USGBC's LEED Online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for any LEED credits and will not be provided with the authority to modify any documentation or paperwork.

8. Glazing at the rear of building facing Lake Fairfax Park shall be designed to limit light spillage from inside the building.
9. Lighting shall be the minimum required by safety standards at the rear of the property adjacent to Lake Fairfax Park during the night hours in order to mitigate the impact of night lighting on wildlife in the adjacent park.
10. Lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.

11. Storm water detention shall be provided such that the peak discharge rate in a two-year and 10-year 24-hour storm event be less than or equal to the peak discharge rate that would be discharged if the site was in a good forested condition.
12. Landscaping shall be provided as shown on the special permit plat, but shall not less be than 15% of the overall site area. Non-invasive species and locally common native species shall be used to the greatest extent possible as determined in coordination with the Fairfax County Urban Forestry Division.
13. The Applicant shall continue to collaborate with the Park Authority Trail Coordinator regarding unauthorized trail use on the subject parcel and will provide high-level construction schedule information to the Trail Coordinator, when such information is available. The Applicant shall coordinate, to the degree allowed by construction schedules, with the Trail Coordinator regarding planned trail improvements on Park Authority property adjacent to the Applicant's parcel to allow temporary construction access and to minimize potential conflicts caused by the Applicant's and the Park Authority's construction activities.
14. Limits of clearing and grading shall be the minimum possible and shall be no less than shown on the special permit plat as may be qualified by these development conditions.
15. A maintenance agreement for the off-site detention pond between the owner of the off-site pond and the owner of the subject parcel shall be implemented prior to final site plan approval.
16. Prior to the issuance of the Non-Residential Use Permit for the health club, the applicant shall contribute \$18,685 to Fairfax County as the fair share contribution (15%) toward the cost of a traffic signal to be located at the intersection of Sunset Hills Road and Business Center Drive.
17. A sidewalk, crosswalk, and/or trail connection shall be provided from the health club building to the perimeter of the subject parcel at a location mutually agreed upon by the applicant and Park Authority staff to provide for a future connection by the Park Authority to a planned segment of the Park Authority's Lake Fairfax's trail system.
18. Sidewalks shall be provided adjacent to Business Center Drive and Wildlife Center Drive. Additionally, an internal pedestrian and bike access from the exterior sidewalks on Business Center Drive shall be provided to the building on the subject parcel.
19. Bike racks shall be provided on site.
20. The maximum gross floor area of the health club shall be 115,000 square feet for the health club building and 1,500 square feet for the outdoor bistro, as shown on the special permit plat.
21. The building shall be constructed in substantial conformance with the materials and elevations as shown in the special permit plat.

This approval, contingent on the above-noted conditions, shall not relieve the Applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been

diligently pursued. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Ms. Gibb seconded the motion, which carried by a vote of 6-0. Chairman Ribble was absent from the meeting.

A Copy Teste:

Kathleen A. Knoth
Clerk to the Board of Zoning Appeals